

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SHENZHEN TOMTOP TECHNOLOGY CO.,
LTD., ABSA PINK INC., ARNON UBEN
INC., BORDER MOSE INC., DESH DIBON
INC., GADY LENTLE INC., JONA THEE
INC., and SIHON MOUNT INC.,

Plaintiffs,

V.

DAN XIE,

Defendant.

Case No.: 21 C 03847

Judge Harry D. Leinenweber

Magistrate Judge Maria Valdez

JOINT MOTION FOR ENTRY OF FINAL JUDGMENT AND TURNOVER ORDER

Plaintiffs Shenzhen TomTop Technology Co., Ltd., Absa Pink, Inc., Arnon Uben, Inc., Border Mose, Inc., Desh Dibon, Inc., Gady Lentle, Inc., Jona Thee, Inc., and Sihon Mount, Inc. (collectively, “TomTop”) and Defendant Dan Xie (“Xie”) jointly move the Court to enter final judgment and for an order turning over assets held at JP Morgan Bank in account number ended 0855 in the name of Jona Thee, Inc. In support of this motion, the parties state as follows.

Joint Motion For Judgment

1. On July 19, 2021, TomTop filed the above-captioned lawsuit against Xie. Dkt. 1. On February 10, 2022, TomTop filed the First Amended Complaint. Dkt. 35. The First Amended Complaint alleges claims for breach of fiduciary duty, constructive trust, unjust enrichment, and an accounting, and that Xie obtained \$2,786,125 from funds held by TomTop in accounts at Bank of America and JP Morgan Chase Bank.

2. On November 7, 2022, Xie was indicted based on a similar set of facts as alleged in the First Amended Complaint. *See United States v. Xie*, No. 22 CR 585 (N.D. Ill.), Dkt. 1. The

indictment charges that Xie engaged in transportation of stolen money, in violation of 18 U.S.C. § 2314.

3. On or about September 11, 2023, Xie caused \$759,870 to be returned to TomTop. There is approximately \$226,812 remaining in account number ended 0855 in the name of Jona Thee, Inc. at JP Morgan Chase Bank (the “Jona Thee Chase Account”) that should be returned to TomTop.

4. The parties jointly move for entry of the proposed final judgment attached here as Exhibit 1, which the parties respectfully request that the Court enter.

Motion For Turnover Order

5. The parties also move the Court for an order to turnover the assets held in the Jona Thee Chase Account to TomTop.

6. On April 19, 2021, Xie caused the Jona Thee Chase Account to be opened. The funds deposited into the Jona Thee Chase Account were from the sale of TomTop’s products through the Walmart Marketplace, and are the property of TomTop.

7. On or about July 5, 2021, JP Morgan Chase Bank restricted the Jona Thee Chase Account. On July 12, 2021, JP Morgan Chase Bank suspended the balance in the Jona Thee Chase Account of \$226,812.04.

8. The parties have attached as Exhibit 2 a proposed order directing JP Morgan Chase Bank to turn over the proceeds from the Jona Thee Chase Account to TomTop’s attorneys with Hinshaw & Culbertson LLP for the benefit of TomTop.

WHEREFORE, the parties respectfully request that the Court grant their joint motion, and enter the attached Final Judgment and Turnover Order and any other such relief as the Court deems appropriate.

Dated: December 12, 2023

Respectfully submitted,

/s/ Kenneth E. Yeadon

Kenneth E. Yeadon

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Attorney for Plaintiffs Shenzhen TomTop Technology Co., Ltd., Absa Pink, Inc., Arnon Uben, Inc, Border Mose, Inc., Desh Dibon, Inc., Gady Lentle, Inc., Jona Thee, Inc., and Sihon Mount, Inc.

/s/ James D. Tunick

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